

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEV KORENEVSKY

Appeal 2007-3689
Application 10/037,548
Technology Center 1700

Decided: November 16, 2007

Before EDWARD C. KIMLIN, CHUNG K. PAK, and PETER F. KRATZ,
Administrative Patent Judges.

KIMLIN, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-4 and 6-9.¹

¹ The Examiner states that "[t]he final rejection of claim 9 is not under appeal" (Ans. 3, 1st para.). However, although Appellant does not list claim 9 under the heading for the GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL, Appellant does include claim 9 under the heading SUMMARY OF CLAIMED SUBJECT MATTER at page 1 of the Brief (Brief filed Sept. 26, 2006). Since the Examiner included the rejection of claim 9 in the Answer, and Appellant argues claim 9 in the Reply Brief filed Nov. 24, 2006, we will consider the rejection of claim 9 to be on

Claim 1 is illustrative:

1. A paint roller frame comprising a shaft having a handle portion fixedly secured to a handle and a roller cage assembly mounted on the opposite end of said shaft for supporting a paint roller sleeve thereon, wherein:

said roller cage assembly is generally perpendicular to said shaft's handle portion;

said roller cage assembly comprises a bearing portion and an outer portion which is removed to permit replacement of the roller sleeve;

said bearing portion is mounted on said shaft that is passing through an opening in the bearing portion;

said bearing portion has a supporting surface to support the paint roller sleeve and an annular (inner) face against which an adjacent (inner) end surface of the roller sleeve core can be urged to prevent the paint roller sleeve from axial sliding and to inhibit paint flow into the interior of the core;

said outer portion having a supporting surface to support the paint roller sleeve and an annular (outer) face against which an adjacent (outer) end surface of the roller sleeve core can be urged to prevent the paint roller sleeve from axial sliding and to inhibit paint flow into the core interior;

said bearing portion and said outer portion further comprising mating connection means and, for painting, forming a mating connection between said portions having characteristics that ensure fast and tight trapping of the core and that prevent weakening of the sleeve squeezing while painting.

The Examiner relies upon the following references in the rejection of the appealed claims:

Thackara	2,766,473	Oct. 16, 1956
Newman	3,745,624	July 17, 1973
Dezen	4,467,509	Aug. 28, 1984
Jang	5,497,527	Mar. 12, 1996

Appellant's claimed invention is directed to a paint roller frame comprising a shaft having a handle secured to one end and a paint roller sleeve mounted on the other end. The frame comprises a bearing portion and an outer portion which support the paint roller sleeve, and the bearing and outer portions form a mating connection for ensuring fast and tight trapping of the roller sleeve core and for preventing weakening of the sleeve squeezing while painting.

The appealed claims stand rejected under 35 U.S.C. § 102(b) as follows:

- (a) claims 1-3, and 6 over Thackara,
- (b) claims 1-4, 6, and 8 over Newman,
- (c) claims 1-4 and 6 over Dezen, and
- (d) claim 9 over Jang.

We have thoroughly reviewed each of Appellant's arguments for patentability. However, we are in complete agreement with the Examiner that the claimed subject matter is described by the cited prior art within the meaning of § 102. Accordingly, inasmuch as the Examiner's rejections are well founded and in accord with current patent jurisprudence, we will

sustain the Examiner's rejections for the reasons set forth in the Answer, which we incorporate herein, and we add the following for emphasis only.

A principal argument advanced by Appellant is that the claim 1 recitation "said bearing portion and said outer portion further comprising mating connection means and, for painting, forming a mating connection" represents the basic ideal of the present invention "and clearly separates my claim from the other patents" (Br. 4 of Sept. 26, 2006). According to Appellant, "[t]his wording clearly excludes any other parts, counting the shaft and the sleeve, as participates in this connection" (*id.*). However, we are in full agreement with the Examiner that the claim language "'mating connection' does not limit the connection to being directly mated together" (Ans. 6, last full sentence). We find that the Examiner presents a reasonable interpretation that "[a] mating connection could refer to any elements that are connected together by some means, whether it is directly or indirectly" (Ans. sentence bridging page 6-7). Furthermore, although it is well settled that limitations found in the Specification and Drawings are not to be read into the claims during the prosecution of a patent application, it does not appear that Appellant's Drawings depict a direct, mating connection between the bearing and outer portions. Hence, we agree with the Examiner that the appealed claims fail to define a structure which distinguishes over the structures of the paint roller frames disclosed in the applied prior art. It is of no moment whether the bearing and outer portions of the applied references are independently mounted on a shaft, as urged by Appellant, since the appealed claims do not exclude but, rather, encompass such an arrangement.

We also agree with the Examiner that the recited purpose of the mating connection between the bearing and outer portions, i.e., to "ensure fast and tight trapping of the core and that prevent weakening of the sleeve squeezing while painting," fails to define a structure for the paint roller frame that is in some way patentably distinct from the paint roller frames of the cited references. Manifestly, the claim terms "fast," "tight," and "weakening" are relative in nature and fail to specify any particular parameter of the claimed frame.

Concerning Appellant's arguments in the Reply Brief of October 6, 2005, comprising the claimed resilient washers, we agree with the Examiner that the dictionary definition of the term "washer" supports the Examiner's conclusion that the cited elements of Thackara and Dezen qualify as washers. Also, we agree with the Examiner that the portion of Newman referred to by the Examiner meets the requirement of claim 8 for a hook located near the end of the shafts' handle portion (*see* page 10 of Ans., 3rd para.).

In a Reply Brief dated November 21, 2006, Appellant states "I would like to make an appointment to meet with the Board of Patent Appeals and Interferences" (page 2, last para.). In so stating, Appellant simply misunderstands the Board's roles and procedures. See, e.g., 35 U.S.C. §§ 6 and 134. If Appellant desired to make an oral argument to the merits panel of the Board, Appellant should have filed a timely request for oral hearing (*see* 37 C.F.R. § 41.47, particularly § (b)).

In conclusion, based on the foregoing and the reasons well stated by the Examiner, the Examiner's decision rejecting the appealed claims is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(vi)(effective Sept. 13, 2004).

AFFIRMED

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